

REMARKS

Claims 41 to 46 are canceled without prejudice, and therefore claims 1, 2, 4 to 11, 27, 29, and 35 are now pending.

Applicants respectfully request reconsideration of the present application in view of this response.

Applicants thank the Examiner for accepting the Drawings.

With respect to paragraph two (2) of the Final Office Action, claims 1, 2, 4 to 11, 27, 29, 35 and 41 to 46 were rejected as indefinite under the second paragraph of 35 U.S.C. § 112.

While the rejections may not be agreed with, to facilitate matters, claims 41 to 46 have been canceled without prejudice since their features have been included in their corresponding base claims 1, 2, 11, 27, 29, and 35. Additionally, “actual cell” has been changed to an “effective cell which includes user data” and a “dummy cell” has been rewritten as a “dummy cell, which does include user data” (no new matter has been added, and support is provided by the specification; *see* lines 14-16 at page 50 of the specification for support as to their definiteness). It is therefore respectfully requested that the indefiniteness rejections be withdrawn.

With respect to paragraph four (4) of the Final Office Action, claims 1, 2, 4, 5, 11, 27, 29 and 35 were rejected under 35 U.S.C. § 103(a) as obvious over Aramaki, U.S. Patent No. 5,485,457 in view of Fan, U.S. Patent No. 5,337,308.

While the rejections may not be agreed with, to facilitate matters, claims 1, 2, 11, 27, 29 and 35 have been rewritten to include the features of respective claims 41 to 46, which have been canceled without prejudice *and which were not rejected as unpatentable in view of the cited art*. As explained, “actual cell” has been changed to an “effective cell which includes user data” and a “dummy cell” has been rewritten as a “dummy cell, which does include user data” (no new matter has been added, and support is provided by the specification; *see* lines 14-16 at page 50 of the specification for support as to their definiteness).

In particular, the “Aramaki” reference (as well as the other references relied upon) do not disclose or suggest the features of the address filter in which a selection process of the head cell with a probability 1 to k-1. In particular, this feature provides the following:

[The] address filter captures a cell having an address of said address filter as an effective cell which includes user data, and generates, for a cell that does not have said address of said address filter, a dummy cell, which does not have user data, with time information of the cell, and stores said actual cell or said dummy cell in said first buffer, if types of head cells in said first buffer and said second buffer are the same and also time information of said head cells are the same, a k-th cross point selects a head cell from said first buffer and said second buffer with a probability of a ratio of 1 to k-1 so as to send a selected head cell to the another cross-point or said output port, wherein k is a natural number, and if said types of head cells are different but time information are the same, said address filter selects said actual cell so as to send said actual cell to other cross-point or said output port.

These features are simply not described or even suggested for a basic switch including the claimed layered cross-points each including an address filter, as provided for in the context of each of the independent claims as presented.

It is therefore respectfully requested that the obviousness rejections be withdrawn.

Accordingly, claims 1, 2, 11, 27, 29 and 35, as well as their respective dependent claims 4 to 10 are allowable, since they now include the features of canceled claims 41 to 46, respectively:

As regards paragraph five (5), claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over the "Aramaki" reference in view of the "Averbuch" reference, U.S. Patent No. 6,160,805.

Claim 9 depends from claim 1 as presented, and is therefore allowable for the same reasons as claim 1 as presented, since the secondary reference does not cure the critical deficiencies of the primary "Aramaki" reference. Accordingly, claim 9 is allowable.

As regards paragraph six (6), claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over the "Aramaki" reference in view of Henrion, U.S. Patent No. 5,127,000.

Claim 10 depends from claim 1 as presented, and is therefore allowable for the same reasons as claim 1 as presented, since the secondary reference does not cure the critical deficiencies of the "Aramaki" and "Fan" references. Accordingly, claim 10 is allowable.

As further regards all of the above obviousness rejections, to reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim feature and there must be a motivation or suggestion for combining the features in the manner contemplated by the claim. (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990)).

Thus, the "problem confronted by the inventor must be considered in determining whether it would have been obvious to combine the references in order to solve the problem", Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 679 (Fed. Cir. 1998). It is respectfully submitted that the references relied upon simply do not address the problems (referred to in the present application) that are met by the address filter subject matter of any of the rejected claims.

In summary, it is respectfully submitted that all of claims 1, 2, 4 to 11, 27, 29, and 35, as presented, of the present application are allowable at least for the foregoing reasons.

CONCLUSION

In view of the foregoing, it is believed that the rejections have been obviated, and that claims 1, 2, 4 to 11, 27, 29, and 35, as presented, are allowable. It is therefore respectfully requested that the rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,
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